



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Lynchburg Planning Commission

From: Planning Division Staff

CC: Bonnie Svrcek, Kent White, Walter Erwin

Date: July 13, 2016

Re: Zoning Ordinance Corrections

Lynchburg's new Zoning Ordinance was adopted by City Council on February 23, 2016. As staff has been working with and implementing the new ordinance, a list of corrections where the ordinance either needs to be clarified or amended to reflect what was intended during the Zoning Ordinance update process has been prepared. Below is a list of recommended corrections. If directed, staff will draft amended language and start the required public hearing process.

- Clarify that in B-3 districts, parking can be to the side and rear of buildings when the building is set at the property line. Otherwise, the twenty (20) foot setback will apply. (**section 35.2-46.4 (d)**)
- Clarify the number of business vehicles permitted for home occupations. (**section 35.2-71.4**)
- Clarify that lot width requirements are for both the frontage line and the setback line. (**all district standards – measurement E on graphics**)
- Include a reduction in setbacks required for residential clusters. Currently lot sizes are reduced by 50% but setbacks are required to be the same as the underlying zoning. (**Exhibit VIII-1**)
- Include additional material options for dumpster enclosures other than just masonry. (**section 35.2-63.9(e)**)
- Apply the forty (40) foot Scenic Corridor setback to limited access highways within the Scenic Corridor. City Council removed the limited access setback that had applied across the City. (**section 35.2-56.7 (a)**)
- Amend density and lot size requirements for R-3 and R-4 to make them consistent for duplexes. (**Exhibit IV-8 and IV-10**)
- Revise Temporary Outdoor Promotional Attractions standards to allow them in mixed use areas. Currently they are required to be one hundred and fifty (150) feet away from any lot line with a dwelling, preventing events in our Traditional Neighborhood Developments. (**section 35.2-72.23(c)4.**)
- Verify state code requirements for correcting zoning violations and amend to make time periods consistent and easy to follow. (**section 35.2-102.1(b)-(d)**)
- Include requirement for calls for metes and bounds to be illustrated on the plan per current policy. (**Exhibit II-16**)
- Clarify that "enclosures" for large farm animals that are required to be set back two hundred (200) feet does not include fences. (**exhibit with no number on page 257**)

- Clarify that mixed use development with only one (1) or two (2) units are also permitted in business districts as was the intent when we changed the ordinance. (***Exhibits IV-12, IV-15, IV-17, and IV-19***)
- Revise district use standards in B-1, B-3 and B-5 to allow duplexes and other residential uses permitted by Conditional Use Permit (CUP) to be constructed without a mixed use component because they are only permitted by CUP in business districts. (***sections 35.2-45.3(e), 35.2-46.3(e), 35.2-48.3(f)***)
- Revise ordinance to allow attached residential of all types in the B-4 district. (***Exhibit IV-17***)
- Revise B-5 authorized uses to allow residential as part of a mixed use development as was the intent when we changed the ordinance. (***Exhibit IV-19***)
- Revise to allow mobile retailers in addition to mobile food trucks, but require they follow the same standards as food trucks as appropriate. (***section 35.2-72.27***)
- Clarify the quantity requirement from the previous ordinance requiring stormwater from excess parking areas in large scale retail developments to infiltrate. Require that the infiltration occur on site. (***section 35.2-84.6(g)***)
- Clarify how zoning is applied during right-of-way vacations. (***section 35.2-2-33.1(b)***)

RESOLUTION OF THE LYNCHBURG PLANNING COMMISSION

WHEREAS: The City of Lynchburg is the dynamic center of a growing region.

WHEREAS: The City of Lynchburg is well known for its quality of life, economic vitality, rich history and cultural diversity.

WHEREAS: The City of Lynchburg is committed to strong neighborhoods, a downtown that is the heart of the region, attractive and accessible commercial areas, celebrating its history and heritage, protecting its environment, a diverse economy, quality education and effective support systems.

WHEREAS: By act of the General Assembly of Virginia as provided in Title 15.2, Chapter 22, Article 7, Sections 15.2-2280 through 15.2-23.16 of the *Code of Virginia*, as amended, any locality may, by ordinance classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of the Article.

WHEREAS: The City Council adopted the *Zoning Ordinance* on February 23, 2016 after a systematic review and public input to ensure that future growth is consistent with the City's *Comprehensive Plan 2013-2030*.

WHEREAS: City Staff has identified a list of corrections to clarify and correct portions of the adopted *Zoning Ordinance*.

NOW, THEREFORE, BE IT RESOLVED by the Lynchburg Planning Commission that in order to promote the public necessity, convenience, general welfare and good zoning practice, the Planning Commission does hereby initiate, will consider and directs City Staff to prepare amendments to Chapter 35.2, *Zoning Ordinance* of the *City Code* of Lynchburg to clarify and correct sections of the Ordinance related to parking locations, setbacks, home occupations, permitted residential uses in business districts, infiltration requirements for stormwater, mobile retailers and how zoning is applied to property not previously zoned.

Adopted: _____

Certified: _____
Secretary, Lynchburg Planning Commission